

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01, GRANTING A SPECIFIC USE PERMIT FOR A CHILD DAY CARE CENTER, LOCATED ON A TRACT OF LAND SITUATED IN THE CITY OF FRISCO AND IN THE JONATHAN ALLEN SURVEY, ABSTRACT NUMBER 16, COLLIN COUNTY, TEXAS, CONTAINING 2.4256 ACRES OF LAND, MORE OR LESS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (the "City Council"), has investigated and determined that Comprehensive Zoning Ordinance No. 00-11-01 should be amended; and pursuant to a notice being duly posted according to law, conducted a public hearing wherein a request was made by Castle Montessori of Frisco ("Applicant"), to allow a Specific Use Permit for Child Day Care Center on a tract of land zoned Commercial-1. The tract of land is situated in the Jonathan Allen Survey, Abstract No. 16, in the City of Frisco, Collin County, Texas ("Frisco"), containing 2.4256 acre of land, more or less, and being particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council finds that Applicant has agreed to comply with all provisions of the ordinances of Frisco, including but not limited to Frisco's Comprehensive Zoning Ordinance No. 00-11-01, and has further agreed to comply with the additional restrictions set forth herein and the site plan, attached hereto as Exhibit "B" and incorporated herein for all purposes; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Frisco to grant the Specific Use Permit, and that such grant will not be detrimental to the public welfare, safety or health, and that the Specific Use Permit should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Specific Use Permit Granted. Applicant is granted a Specific Use Permit to allow the Child Day Care Center on the Property, which is zoned Commercial-1.

The Property as a whole and the boundaries are more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes as if set forth verbatim ("Property"). The general location of the Property is depicted on Exhibit "A-1", attached hereto. The Property has been developed in compliance with the conditions expressly stated in the site plan, attached hereto as Exhibit "B". Additional conditions for the granting of the Specific Use Permit described in this Ordinance are as follows:

1. A maximum of 250 students;

SECTION 3: Failure to Comply/Assignable and Transferable. Except as otherwise stated above, all terms of the Specific Use Permit shall be complied with prior to issuance of a certificate of occupancy. Failure to comply with any term or condition of this Ordinance and/or Frisco's Comprehensive Zoning Ordinance No. 00-11-01, as they exist or may be amended, will result in the Specific Use Permit being declared null and void and of no force and effect. The Specific Use Permit is issued to the entity named above and is assignable and transferable.

SECTION 4: Specific Use Permits Regulations. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind a specific use permit if:

1. There is a violation and conviction of any of the provisions of this Ordinance, or any ordinance of the City of Frisco, that occurs on the Property;
2. The building, premise, or land used under a Specific Use Permit are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural

alteration, or change;

3. Violation of any provision of the terms or conditions of this Specific Use Permit;
4. Ad valorem taxes on the Property are delinquent by more than six (6) months;
5. The Specific Use Permit was obtained by fraud or deception; or
6. As otherwise permitted by law and/or Frisco's Comprehensive Zoning Ordinance No. 00-11-01 as it exists or may be amended.

SECTION 5: Specific Use Permit Effective Date. This Specific Use Permit shall be effective from and after the effective date of this Ordinance.

SECTION 6: Unlawful Use of Premises. It shall be unlawful for any person, firm, entity or corporation to make use of the above-referenced tract of land in some manner other than as authorized by this Ordinance or other applicable ordinances.

SECTION 7: Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance or Frisco's Comprehensive Zoning Ordinance No. 00-11-01, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 8: Savings/Repealing Clause. Frisco's Comprehensive Zoning Ordinance No. 00-11-01 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 9: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 10: Effective Date: This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.


DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this _____ day of _____, 2009.

MAHER MASO, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

APPROVED AS TO FORM:

Jenny Page, City Secretary



Abernathy Roeder Boyd & Joplin P.C.
Claire E. Swann, City Attorneys

Dates of Publication: _____, *Frisco Enterprise*

Exhibit "A"
SUP09-0009

SUP09-0009 EXHIBIT A

DESCRIPTION of a 2.4256 acre tract of land situated in the Jonathan Allen Survey, Abstract No. 16, Collin County, Texas; said tract being a part of Lot 16, Block 1 of Frisco Corners Addition, an addition to the City of Frisco, Texas according to the plat recorded in Volume 2008, Page 95 of the Plat Records of Collin County, Texas; said 2.4256 acre tract being more particularly described as follows:

BEGINNING, at a 5/8-inch Iron rod found for corner in the easterly right-of-way line of Legendary Drive (a variable width right-of-way, 60 feet wide at this point); said point also being the southwest corner of said Lot 16, Block 1 and the northwest corner of Lot 10, Block 1 of said Frisco Corners Addition;

THENCE, along the said easterly line of Legendary Drive and the westerly line of said Lot 16, Block 1, the following two (2) calls:

North 00 degrees, 27 minutes, 56 seconds West, a distance of 67.81 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found at the beginning of a tangent curve to the right;

In a northeasterly direction, along said curve to the right, having a central angle of 12 degrees, 51 minutes, 13 seconds, a radius of 970.00 feet, a chord bearing and distance of North 05 degrees, 57 minutes, 40 seconds East, 217.15 feet, an arc distance of 217.61 feet to a 3 1/4-inch aluminum disk set for corner at the end of said curve;

THENCE, North 89 degrees, 35 minutes, 35 seconds East, departing the said easterly line of Legendary Drive and said westerly line of Lot 16, Block 1, a distance of 354.53 feet to a "+" cut in concrete set for corner in the east line of said Lot 16, Block 1 and in the west line Lot 9R, Block 1, Frisco Fun Center, Frisco Corners Addition, an addition to the City of Frisco, Texas according to the plat recorded in Cabinet Q, Page 429 of the said Plat Records;

THENCE, South 00 degrees, 24 minutes, 13 seconds East, along the said east line of Lot 16, Block 1 and said west line of Lot 9R, Block 1, a distance of 283.62 feet to a "+" cut in concrete found for corner in the north line of said Lot 10, Block 1; said point also being the southeast corner of said Lot 16, Block 1 and the southwest corner of said Lot 9R, Block 1;

THENCE, South 89 degrees, 35 minutes, 35 seconds West, departing the said east line of Lot 16, Block 1 and said west line of Lot 9R, Block 1 and along the south line of said Lot 16, Block 1 and the said north line of Lot 10, Block 1, a distance of 378.52 feet to the POINT OF BEGINNING;

CONTAINING, 105,660 square feet or 2.4256 acres of land, more or less.

R. Groysman 10/23/09
Roman L. Groysman Date
Registered Professional Land Surveyor No. 5864
Pogue Engineering & Development Company, Inc.
1512 Bray Central Drive, # 100, McKinney, TX 75069
(214) 544-8880

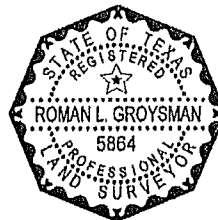


Exhibit "A" - SUP09-0009

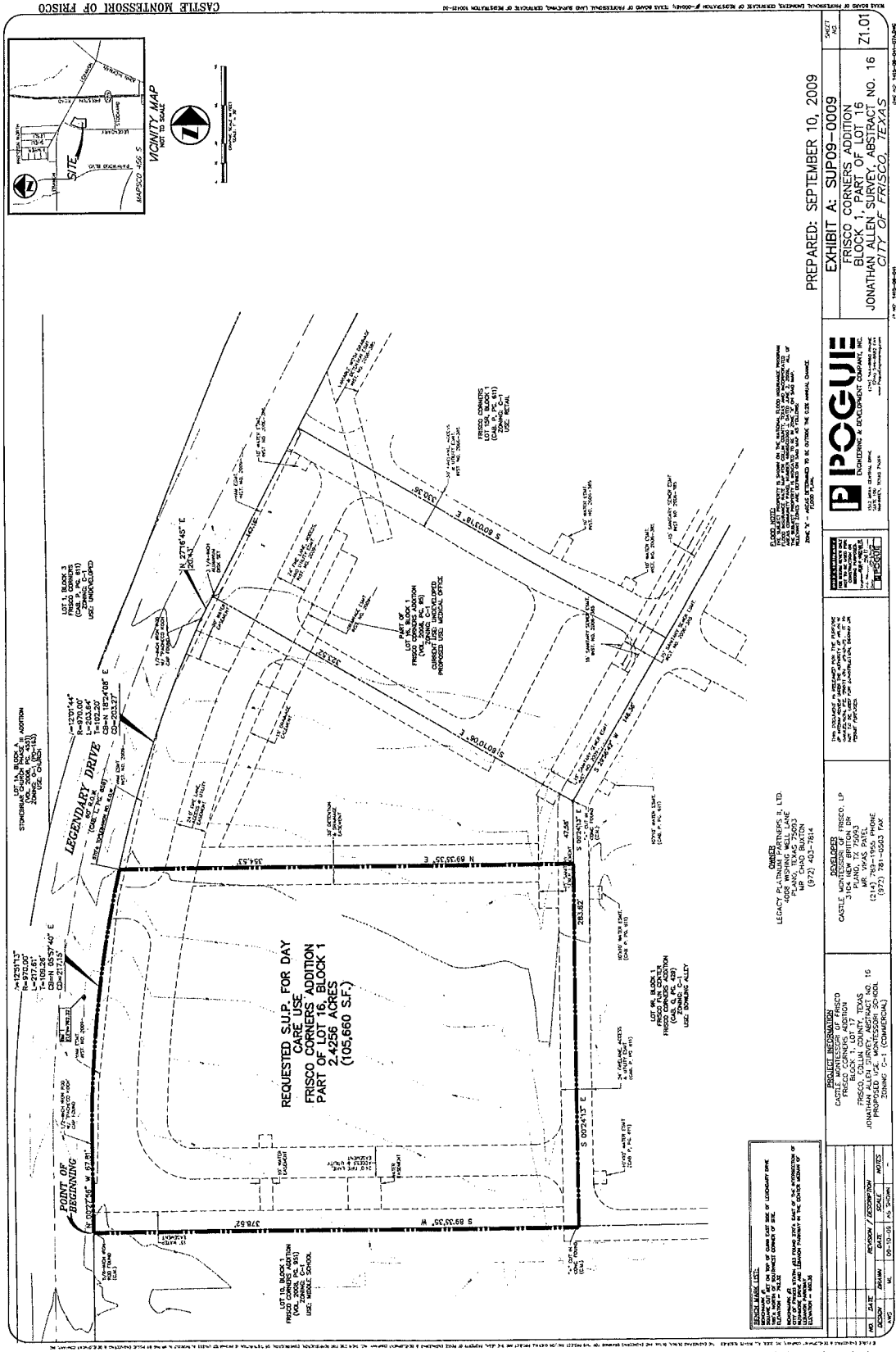


Exhibit "A-1"
SUP09-0009

SUP09-0009
Frisco Corners Addition
Block A, Lot 16B
Castle Montessori of Frisco

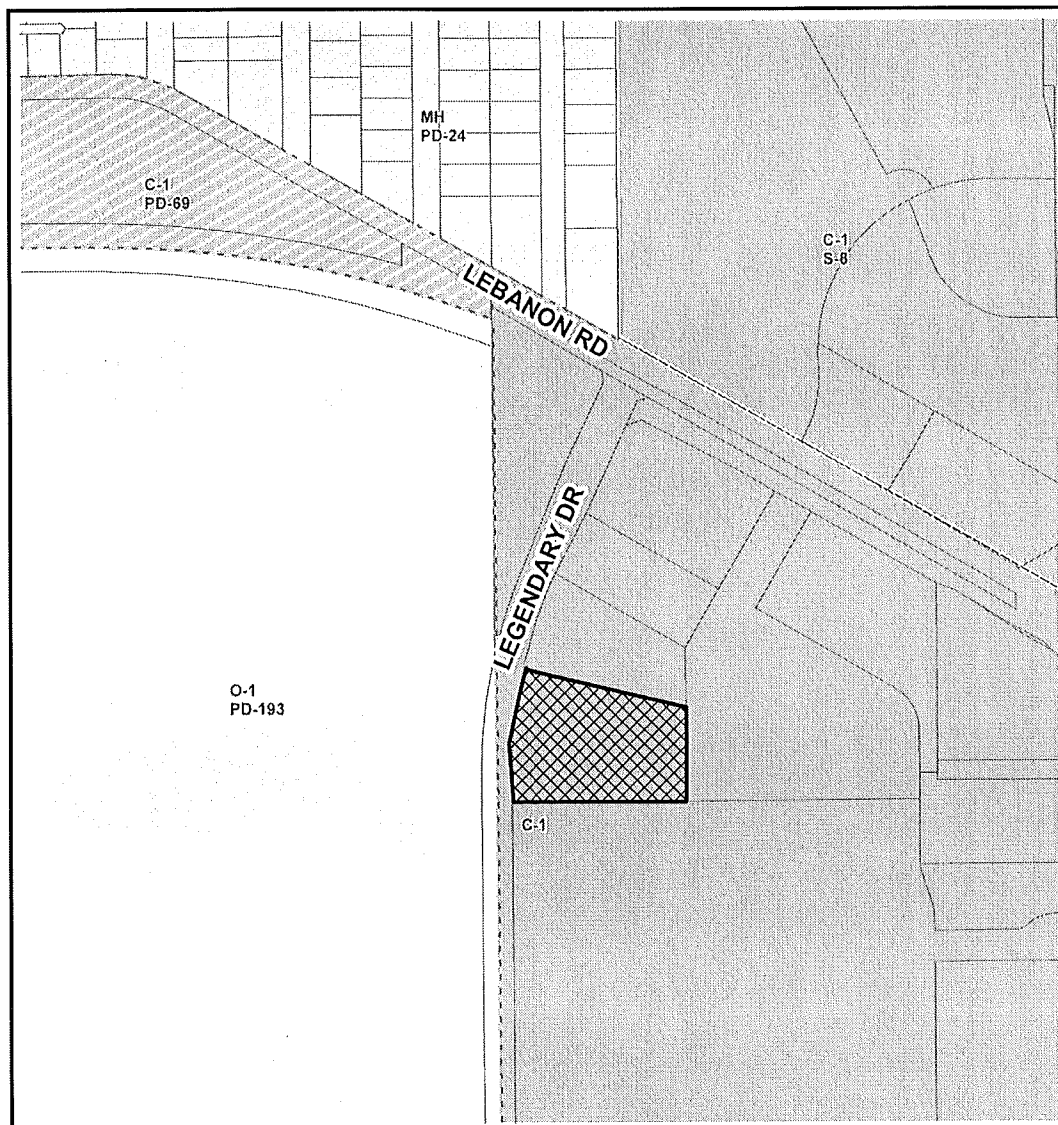


Exhibit "B"
SUP09-0009

